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FILED
1999 SEP -1 A 10 55

U.S. DISTRICT COURT
DISTRICT OF ARIZONA

Attorneys for **HOME DEPOT, U.S.A., INC.**

UNITED STATES BANKRUPTCY COURT

DISTRICT OF ARIZONA

In re:	)	Case Nos. 98-12547 through
	)	98-12570-ECF-CGC
	)	Jointly Administered
BCE WEST, L.P., et al.,)	
	)	Chapter 11
)	
Debtors.	)	DECLARATION OF JAMIE L.
	)	EDMONSON IN SUPPORT OF HOME
EID: 38-3196719	)	DEPOT'S UNILATERAL PRETRIAL
	)	STATEMENT
)	
	)	Date: September 8, 1999
	)	Time: 1:30 p.m.
	)	Place: Courtroom 6
	)	2929 North Central Avenue
	)	Phoenix, Arizona 85067-4151
)	
)	
)	

I, Jamie L. Edmonson, hereby declare:

1. I am an associate with Rutter, Hobbs & Davidoff Incorporated, counsel
for Home Depot USA, Inc. ("Home Depot"). The following facts are within my

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1 personal knowledge and if called upon to do so, I could and would competently testify
2 to the truth of the facts contained herein.

3 2. On the morning of August 24, 1999, I sent to Randolph Haines, one of the
4 attorneys for the Debtor in this case, a proposed joint pretrial stipulation (the
5 "Stipulation") for review. The Stipulation was sent via both e-mail and facsimile.

6 3. When I did not hear from Mr. Haines by August 25, 1999, the day the
7 Court requested that a joint pretrial stipulation be filed, I again e-mailed Mr. Haines
8 advising him that if I did not hear from him by that afternoon, that Home Depot would
9 file a unilateral pretrial statement. I received no response from Mr. Haines.

10 4. Rather than file a unilateral pretrial statement, and in an attempt to reach
11 an agreed upon Stipulation, on Monday, August 30, 1999, I faxed the Stipulation to Mr.
12 Miller. Later that afternoon, I received a voicemail message from Mr. Miller advising
13 me that he had forwarded the Stipulation to H. Key Stroube, another of the attorneys
14 representing the Debtor in this case, and that Mr. Miller believed Mr. Stroube had
15 already contacted me with his comments to the Stipulation.

16 5. On August 30, 1999, I sent a letter via facsimile to Mr. Stroube
17 requesting that he provide any comments to the Stipulation by no later than August 31,
18 1999.

19 6. Mr. Stroube responded to the letter by e-mail later that day. His response
20 included a number of additions and requested deletions to the Stipulation. Mr. Stroube
21 also stated in his response that "[a]bsent agreement to the foregoing, there is no "Joint
22 Pretrial Stipulation; Order Thereon." Mr. Stroube also advised that he was the attorney
23 handling the matter and that no contact should be made with either Mr. Haines or Mr.
24 Miller. This was after we had been previously advised that Mr. Haines was the attorney
25 handling the matter between the Debtor and Home Depot.

26 7. On August 31, 1999, I sent a revised Stipulation to Mr. Stroube via
27 facsimile and e-mail. The revised Stipulation incorporated many of the requested
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1 changes by Mr. Stroube, however, there were some revisions that Home Depot would
2 not agree to.

3 8. At approximately 3:30 p.m. on August 31, 1999, I received an e-mail from
4 Mr. Stroube advising that "it is readily apparent that despite your so-called 'courtesy'
5 we will not be able to reach an agreement on a pretrial stipulation. There is no way that
6 the debtor will stipulate to certain of the facts you propose." Notwithstanding Mr.
7 Stroube's e-mail to me, at approximately 3:45 on August 31, 1999, Brian Davidoff, the
8 partner at Rutter, Hobbs & Davidoff representing Home Depot in this matter,
9 telephoned Mr. Stroube in an attempt to resolve this matter.

10 9. Despite the attempts set out above, no agreement has been reached between
11 Home Depot and the Debtor for a joint pretrial stipulation. Therefore, Home Depot has
12 filed its unilateral pretrial statement.

13 I declare under penalty of perjury under the laws of the United States of America
14 that the foregoing is true and correct.

15 Executed this 31st day of August, 1999, at Los Angeles, California.

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18 Jamie L. Edmonson
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PROOF OF SERVICE BY MAIL

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is 1900 Avenue of the Stars, Suite 2700, Los Angeles, California 90067.

On August 31, 1999, I served the foregoing document described as:

**JAMIE L. EDMONSON'S DECLARATION IN SUPPORT OF
HOME DEPOT'S UNILATERAL PRE-TRIAL STATEMENT**

on the interested parties in this action by sending a true and correct copy thereof by mail by placing a true copy thereof enclosed in a sealed envelope addressed as follows.

(PLEASE SEE ATTACHED)

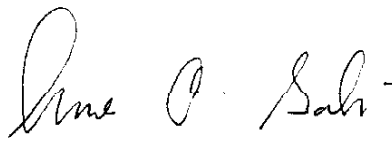
I caused such envelope to be deposited in the mail at Los Angeles, California.

I am readily familiar with this law firm's practice of collection and processing correspondence for mailing. It is deposited with the U. S. Postal Service on the same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit indicated for mailing in this affidavit.

Executed on August 31, 1999, at Los Angeles, California.

{ } I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

{xx} I declare that I am employed in the office of a member of the Bar of this Court at whose direction this service was made.



ANNE O. SALANO

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of Unsecured Creditors:**

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2 **PROOF OF SERVICE VIA FEDERAL EXPRESS**
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4 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES} ss.
5

6 I am employed in the County of Los Angeles, State of California. I am over the
7 age of 18 and not a party to the within action; my business address is: 1900 Avenue of
the Stars, Suite 2700, Los Angeles, California 90067.

8 On August 31, 1999, I served the attached document described as:

9 **DECLARATION OF JAMIE L. EDMONSON IN SUPPORT OF**
10 **HOME DEPOT'S UNILATERAL PRE-TRIAL STATEMENT**

11 on all interested parties in this action by placing a true copy thereof enclosed in sealed
12 envelopes *via federal express* addressed as follows:

13 H. Rey Stroube, III
14 Akin, Gump, Strauss, Hauer & Feld, L.L.P.
15 711 Louisiana, Suite 1900
Houston, TX 77002
16 Telephone: (713) 220-5858

17 Executed on August 31, 1999, at Los Angeles, California.

18 [] (STATE) I declare under penalty of perjury under the laws of the state of
19 California that the above is true and correct.

20 [X] (FEDERAL) I declare that I am employed in the office of a member of the Bar
21 of this Court at whose direction the service was made.

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24 ANNE O. SALANO
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I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is 1900 Avenue of the Stars, Suite 2700, Los Angeles, California 90067.

DECLARATION OF JAMIE L. EDMONSON IN SUPPORT OF HOME DEPOT'S UNILATERAL PRE-TRIAL STATEMENT

Randolph J. Haines, Esq.
Lewis & Roca
E-mail: rjh@lrlaw.com

H. Rey Stroube, III Esq.
Akin, Gump, Strauss, Hauer & Feld LLP
E-mail: rstroube@akingump.com

☐ I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

☒ I declare that I am employed in the office of a member of the Bar of this Court at whose direction this service was made.

ANNE O. SALANO